

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF JUNE 21, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Becky Lalumia (CFO), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of June 21, 2005 to order.

(TAPE 1)(SIDE A)(018) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Bruce Conque to give the invocation and then lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(022) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**
No report was given.

(TAPE 1)(SIDE A)(024) AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**

- Benjamin explained what he felt was misinformation given regarding expense reimbursements to Councilmembers for a 60-month period, expressed condolences to Parks & Recreation Director Gerald Boudreaux for the passing of his mother and introduced Glenn Brasseaux, Mayor of Carencro.

RESOLUTIONS

(TAPE 1)(SIDE A)(084) AGENDA ITEM NO. 5: R-049-2005 A resolution of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to sign a letter acknowledging the Lafayette Convention and Visitors Commission as the official marketing agency of the Lafayette City-Parish Consolidated Government for purposes of obtaining certain domain names, motion to adopt by Conque, seconded by Stevenson, and the vote was as follows: YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Stevenson, Menard

NAYS: None

ABSENT: Broussard, Mouton

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Williams, LCVC Director Gerald Breaux explained that a new URL is coming available across the United States called “.travel”. The official tourist and travel agency for a parish or county must be authorized by the municipality to apply for the term. “lafayette.travel” would be Lafayette’s destination.

(TAPE 1)(SIDE A)(126) AGENDA ITEM NO. 6: R-050-2005 A resolution of the Lafayette City-Parish Council authorizing the filing of an application with the Federal Transit Administration for operating assistance through the Federal Transit Administration, Section 3037

of TEA-21, Job Access and Reverse Commute Grant for Federal FY 2006 and FY 2007, for use within the Department of Traffic and Transportation, Transit Division, motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: Broussard

ABSTAIN: None

Motion was approved.

Tramel explained that there is no fiscal impact for the application, however; a 50% match (\$725,000) of LCG funds would have to be appropriated once the application was approved. These funds, if equivalent to the same level of service today, would allow for another 18-plus months of Night Owl service. Upon questioning by Williams, Tramel stated that these funds would carry Night Owl service at least thru the next LCG fiscal year and then it would be re-evaluated. With this grant, LCG can anticipate spending these funds in future years and, after review of the current vendor contract, will let the Council know if it will renew with the current vendor or go out to bid.

(TAPE 1)(SIDE A)(271) AGENDA ITEM NO. 7: R-051-2005 A resolution of the Lafayette City-Parish Council authorizing the filing of an application with the U.S. Department of Housing and Urban Development for a grant under the Housing Counseling Services Program, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Williams, Lewis explained that the resolution is simply applying for the grant.

(TAPE 1)(SIDE A)(293) AGENDA ITEM NO. 8: R-052-2005 A resolution of the Lafayette City-Parish Council requesting the Planning and Zoning Commission to conduct a public hearing to consider the rezoning of property belonging to Jennifer Celeste Morrison, et al, located generally east of University Avenue, north of Stone Avenue and south of Portland Avenue from R-1-B (Single-Family Residential) to B-1-L (Limited Business), motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Williams, Benjamin, Broussard, Mouton, Stevenson

NAYS: Badeaux, Bourgeois, Conque, Menard

ABSENT: None

ABSTAIN: None

Motion was approved.

Williams explained that this is a request from a citizen to provide for the rezoning of this property initiated through the Council and that allows the Council to ask the PZC staff to do the background and to also waive the \$500 fee.

AGENDA ITEM NO. 32 WAS TAKEN OUT OF SEQUENCE

(TAPE 1)(SIDE A)(325) AGENDA ITEM NO. 32: O-176-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the City of Carencro, Louisiana concerning the donation by the City of Carencro of four acres of property in Carencro to the Lafayette City-Parish Consolidated Government for the purpose of building and operating a Public Library, motion to adopt by Bourgeois, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Williams, Library Director Sona Dombourian explained that the Library is building 4 regional libraries and remodeling the main library. The Southside Branch is already

open and the South Regional and North Regional are being built at the same time. The next phase is the remodeling of the main library and, lastly, the Southeast Regional (Broussard/Youngsville) and Southwest Regional (Scott/Duson)

The following individuals were recognized:

Glenn Brasseaux, Mayor of Carencro, commended the Library Board for their hard work and dedication. In turn, Councilmember Bourgeois thanked Mayor Brasseaux for the donation of the land for the new library.

Dr. Jeannie Kreamer began by introducing the members of the Library Board of Control and Library staff.

EXECUTIVE SESSION

(TAPE 1)(SIDE B)(038) **AGENDA ITEM NO. 9: Larry M. Bailey, et al v. City of Lafayette**
Docket No. 99-1343-D CONSOLIDATED WITH
William James Picard, et al v. City of Lafayette, et al
Docket No. 99-1688-A CONSOLIDATED WITH
Michael J. Rose, et al v. Lafayette Consolidated Government, et al
Docket No. 99-1543 CONSOLIDATED WITH
Philip Vaughn Burris, et al v. City of Lafayette, et al
Docket No. 2000-5288 CONSOLIDATED WITH
Nugier Perrodin, et al v. Lafayette Parish Consolidated Government, et al
Docket No. 2000-0526-A
Risk Management Claim No. EO 991594901

A motion was offered by Mouton, seconded by Conque, to go into executive session for Agenda Item 9, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(248) A motion was offered by Conque, seconded by Bourgeois to return to regular session, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(059) **AGENDA ITEM NO. 10: Nugier Perrodin v. Lafayette City-Parish Consolidated Government, Office of Workers Compensation**
Docket No. 02-04337; District 04
Risk Management Claim #: 00020000-001

A motion was offered by Mouton, seconded by Bourgeois, to go into executive session for Agenda Item 10, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(260) A motion was offered by Stevenson, seconded by Mouton to return to regular session, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(271) A motion was offered by Mouton, seconded by Bourgeois to approve the settlement as proposed by Risk Management, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: None

ABSTAIN: None

Motion was approved.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE B)(283) AGENDA ITEM NO. 11: O-155-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenue and expenditure line items in Fund 268 (Criminal Court Fund) for the continued distribution of contempt of court fines in the 15th Judicial District Court, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(302) AGENDA ITEM NO. 12: O-156-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$17,883.00 received from the United States Treasury, U.S. Marshal's Office and the Department of Justice and appropriating same within the Lafayette City Police Department, Administration Division to be used for the purchase of a police vehicle, motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Captain Mark Lambert explained that this would be an unmarked unit. The DA Agent that is assigned to the task force that received the funds will use it.

(TAPE 1)(SIDE B)(347) AGENDA ITEM NO. 13: O-157-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by returning to the Council's CIP Fund Reserve \$90,866.00 from the "Building Expansion" work order due to bid cost being in excess of funding. (District 2), motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard

NAYS: Broussard

ABSENT: None

ABSTAIN: None

Motion was approved.

Chief Hundley reported that these funds were originally requested to expand the Animal Shelter. Since that request, the price of expansion has doubled making it impossible to do the expansion at this time. The Animal Shelter is requesting a transfer of these funds in order to do repairs to the incinerator as well as other needed repairs.

Virginia Lee, Animal Control Supervisor, explained that it was her recommendation to cancel the expansion and to transfer the funds in this matter. She reasoned that there was not enough room for the expansion since the Animal Control Division had just been informed that the expansion of Pont des Mouton would take half of the parking lot. LCG is now looking for property for a new shelter. In the meantime, the incinerator needs to either be repaired (at a cost of \$45,000) or replaced (at a cost of \$80,000 plus). If a new incinerator is purchased, it will be movable in order to be transferred to a new location. Several Councilmembers opined that it would be more fiscally responsible to purchase a new incinerator. Lee added that the replacement Animal

Control truck will cost \$18,000 and will allow for an increase of staff by one. This will be for criminal investigator for animal cruelties and will be an undercover vehicle.

(TAPE 2)(SIDE A)(132) AGENDA ITEM NO. 14: O-158-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government transferring \$90,866.00 from the Council's CIP Reserve to various accounts within the Animal Control Section of the Services Division within the Lafayette Police Department for additional funding needed. (District 2), motion to adopt by Stevenson, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(142) AGENDA ITEM NO. 15: O-159-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$761.00 received from interest earned on the investment of FY 04/05 Local Law Enforcement Block Grant funds (LLEBG) and appropriating the same within the Lafayette Police Department's Law Enf-LLEBG 04-LB-BX-1034 work order, motion to adopt by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(155) AGENDA ITEM NO. 16: O-160-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$4,876 from Nezida/Hwy 93 Turn Lanes Project to Reserve - Streets. (District 5), motion to adopt by Bourgeois, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(164) AGENDA ITEM NO. 17: O-161-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$62,356 from the Ambassador Caffery Noise Abatement Project to Reserve - Streets. (District 6), motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(174) AGENDA ITEM NO. 18: O-162-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$13,772 from St. John Street Reconstruction Project to Reserve - Streets. (District 3), motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Carroll explained that St. John St. would not be overlaid this year. Overlay of this road is estimated to cost \$154,000 and it not a high priority. Williams requested that the Clerk place this issue in the budget file for a report at budget hearings. He further requested that Public Works look into the ADA requirements on St. John St., especially since it is a high-traffic tourist area.

(TAPE 2)(SIDE A)(217) AGENDA ITEM NO. 19: O-163-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$212,244 from I-10 Frontage Rds-SW University to Ambassador Caffery Project to Reserve – Streets. (District 3), motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: None

ABSTAIN: None

Motion was approved.

Williams stated that with the transfer of these funds and the funds in O-064-2005, he looks forward to seeing the Administration's proposal and proposed budget regarding these issues. He urged support of this ordinance.

(TAPE 2)(SIDE A)(254) AGENDA ITEM NO. 20: O-164-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$100,000 from Reserve – Streets to Frontage Road Study Project within the Department of Public Works for additional funding needed. (Districts 1, 2, 3, 4), motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Carroll explained that LCG made an application through DOTD for federal highway funds to look at the entire corridor along I-10 and I-49 of frontage roads and the potential for new frontage roads along there from the Federal standpoint. The \$400,000 would be the application LCG made for federal funds and there would be a 20% match of \$100,000. The timeframe is probably 1 to 2 years. This study will not stop the progress in other areas of frontage roads.

(TAPE 2)(SIDE A)(304) AGENDA ITEM NO. 21: O-165-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$32,000 from Reserve – Streets to W. Butcher Switch Road/N. University Turn Lanes Project within the Department of Public Works for additional funding needed. (District 2), motion to adopt by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Carroll explained that these funds would bring the project within budget.

(TAPE 2)(SIDE A)(324) AGENDA ITEM NO. 22: O-166-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$14,501 from Dupuis/Acorn Drainage Project to Reserve - Drainage. (District 2), motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(334) AGENDA ITEM NO. 23: O-167-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$120,000 from N. Hillary Drive Drainage Improvements Project to Reserve - Drainage. (District 5), motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(347) AGENDA ITEM NO. 24: O-168-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$125,023 from Kim Drive Drainage Project to Reserve. (District 8), motion to adopt by Mouton, seconded by Conque.

Carroll explained that these are “pay as you go” funds and they can be used for streets or drainage. The funds in O-167-2005 are strictly drainage bond funds and must go back to drainage reserve.

A motion to amend was offered by Badeaux to place these funds in the drainage reserve. Lalumia interjected that a new line item would have to be created and warned that these funds may have been allocated already for other projects. The maker and the second accepted.

Conque withdrew his second to the motion to amend.

The Chair called for a vote on the original motion, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: None

ABSTAIN: None

Motion was approved.

(TAPE 2)(SIDE A)(514) AGENDA ITEM NO. 25: O-169-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$100,000 from Reserve to Oak Coulee Project within the Department of Public Works for additional funding needed. (District 2), motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams, Benjamin

ABSENT: None

ABSTAIN: None

Motion was approved.

(TAPE 2)(SIDE A)(529) AGENDA ITEM NO. 26: O-170-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$224,452 from Hanes/Ancelet Drainage Project to Reserve. (District 3), motion to adopt as amended (*amendment being to change “to reserve” to “to City Asphalt Overlay Project” in the title and in Section 1*) by Benjamin, seconded by Stevenson, and the vote was as follows:

YEAS: Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux, Bourgeois

ABSENT: None

ABSTAIN: None

Motion was approved.

(TAPE 2)(SIDE A)(554) AGENDA ITEM NO. 27: O-171-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$31,000 from Council Reserve and appropriating within the Traffic and Transportation Department to provide for the purchase and installation of traffic calming devices for the Antigua Drive/Alice Drive/Grand Avenue Traffic Calming Project. (District 8), motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,

Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(573) AGENDA ITEM NO. 28: O-172-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to reflect a decrease in revenues in the amount of \$299,410 from the State of Louisiana, Department of Transportation and Development, Transportation Enhancement Grant, and from the University of Louisiana at Lafayette for the Transportation Museum Project, motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams, Benjamin

ABSENT: None

ABSTAIN: None

Motion was approved.

Upon questioning by Broussard, Tramel explained that no funds have been expended. LCG prepared the paperwork to secure the grant and the 5% local match was paid by ULL. ULL reimbursed LCG by check in that amount, which was deposited. DOTD was notified of the receipt and they requested the funds back. None of the funds were expended. The project could not have been scaled down to use these funds.

(TAPE 2)(SIDE A)(664) AGENDA ITEM NO. 29: O-173-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the University of Louisiana at Lafayette concerning the asphalt patching, overlay and striping of certain parking areas and drives in the vicinity of Cajun Field and to amend the FY 04/05 operating budget to recognize new revenues from the University of Louisiana at Lafayette increasing the City Asphalt Street Overlay Project in the amount of \$164,000.00 provided the bid alternate is accepted by the University of Louisiana at Lafayette, motion to adopt by Williams, seconded by Benjamin, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Badeaux

ABSTAIN: None

Motion was unanimously approved.

Stevenson stated that the Council was in receipt of a memo from Risk Management advising that LCG was currently in litigation with the State over a liability issue involving the university. The implication of the memo was not to adopt this ordinance. He asked Legal why LCG would enter into another agreement of the same type, especially with the litigation. Ottinger replied that the lawsuit is one where LCG and ULL were both joined and LCG is urging that ULL has a responsibility to indemnify LCG under the agreement and, thus far, ULL has resisted. There is an Intergovernmental Agreement between ULL and LCG, which specifies distinct portions of the entire complex around the Cajundome, some of which are the responsibility of ULL and some of which are the responsibility of LCG. In that particular instance, LCG believes the incident involving the suit was on the portion which was ULL's responsibility. With that in mind, this particular agreement is a matter of not altering the arrangement as to one's responsibility but rather doing a cooperative agreement to overlay certain properties. Stevenson then asked if strong language regarding indemnification needed to be added. Ottinger stated that any language change the Council approves would have to be approved by ULL.

The following individual was recognized:

Louis Kellogg suggested that a small fee be added to ticket sales to be put in reserve to be used for the repair of these roads. He had suggested this several years ago and it was submitted to the Cajundome Commission but he was never contacted for input. Menard informed Mr. Kellogg that this work is being paid for by ULL. They are just using the same bid process as LCG. He then requested that Mr. Kellogg's comments be sent to the Administration.

(TAPE 2)(SIDE B)(085) AGENDA ITEM NO. 30: O-174-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the Judges of the Fifteenth Judicial District Court for the provision of group health insurance benefits to the Lafayette Parish employees of the Judges of

the Fifteenth Judicial District Court, motion to adopt by Benjamin, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Lalumia explained that the full cost of group health insurance for the parish employees working for the 15th Judicial District Court in Lafayette Parish would be paid 100% by the 15th Judicial District Court. It will be mandatory for all parish employees (approximately 28) to join. LCG has no financial obligation for these employees.

(TAPE 2)(SIDE B)(233) AGENDA ITEM NO. 31: O-175-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a drainage servitude on Lot 7 in Extension No. 1 of Victoria Village, having a municipal address of 601 Rain Tree Trail, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE B)(244) AGENDA ITEM NO. 33: O-177-2005 An ordinance of the Lafayette City-Parish Council amending the Public Service Contract and Joint Cooperative Endeavor Agreement entered into by the Lafayette City-Parish Consolidated Government and the Acadiana Symphony Association, motion to adopt as amended (*amendment being to change \$10.00 to \$5.00 in Section 2*) by Williams, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard

NAYS: Stevenson

ABSENT: None

ABSTAIN: None

Motion was approved.

Chuck Boudreaux, President of the Acadiana Symphony Association, explained that a Federal grant was applied for in order to fund a public performance on July 4th. The grant did not come through and now the Acadiana Symphony Association is requesting that the Public Service Contract and Joint Cooperative Endeavor Agreement be amended in order for them to charge admission to the concert. Boudreaux agreed to lower the admission charge to \$5.00. He added that all children under 12 and all adults over 65 would get in free. Stevenson opined that the concert should be free to all since it will be held in a public park.

(TAPE 2)(SIDE B)(398) AGENDA ITEM NO. 34: O-178-2005 An ordinance of the Lafayette City-Parish Council amending Chapter 18, "Businesses," to add Article I, "General," which shall consist of Sections 18-1 through 18-2 as presently stated therein, and Sections 18-3 through 18-20, which shall be added thereto as "Reserved," and further to add Article II, "Bingo Halls," Sections 18-11 through 18-13 of the Lafayette City-Parish Consolidated Government Code of Ordinances regulating Charitable Bingo Halls, motion to adopt by Bourgeois, seconded by Badeaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Bourgeois stated that local high schools and Affiliated Blind Association are worried about commercial bingo establishments moving into the City and Parish and infringing on their already dwindling attendance. Benjamin reminded that high school bingos allow students to participate in functions where they would otherwise not be able.

Broussard questioned why this ordinance was on the agenda since the Parish already has an ordinance that only allows charitable games of chance. Ottinger rebutted that he was not aware

of a parish ordinance. Bourgeois explained that when the City and Parish codes were consolidated, many of the parish codes were left out. The Clerk informed Ottinger that the Parish ordinances would be pulled and sent to him.

Benjamin requested that Ottinger contact the small municipalities to see if they would be willing to join in the purpose of this ordinance.

(TAPE 2)(SIDE B)(611) AGENDA ITEM NO. 35: O-179-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 42, Article I and by adding Section 42-2 addressing the subject of "Smokefree Air", motion to adopt by Mouton, seconded by Williams.

The Clerk read the following names of those who signed in:

- In favor of the ordinance but did not wish to speak:

Tisha McKinny	Amber Cook	Bridget Ardoin
Laura Slavich	Amy Fuselier	Jennifer Burns
Jerry Romero	Patricia Miller	Terri Broussard
Don Lobb	Judy Lobb	Martha Grant

- In opposition of the ordinance

Cecil Theaux

The following individuals were recognized:

Michelle Devall, an adult asthmatic with a child with asthma, urged the Council to vote in favor of the ordinance.

Dr. Luis Meza, oncologist, stated he treats cancer patients and knows, first hand, what smoking can do to a person who smokes and also what second-hand smoke can do to a person to does not smoke. He spoke of the many hazards of smoking and urged the Council to vote favor of the ordinance.

Rose Hoffman Cormier spoke of her parents’ health problems due to smoking. She urged the Council to vote in favor of the ordinance.

Dr. Mitchell Lirtzman, a cardiovascular surgeon, stated this was a public health issue and it was the Council charge to look after the public’s interest. He reminded that similar ordinances have been passed in other states and on other continents. He urged the Council to vote in favor of the ordinance.

Louis Kellogg stated the Council was taking away an individual’s liberties to do, as they want. If a person does not like the smoke they shouldn’t patronize a business that allows smoking.

Jimmy Theaux urged the Council to vote against the ordinance and continue to give individuals the right to choose.

Patrick Brasseaux asked who would enforce this ordinance. If it’s the Lafayette Fire Department, they are already over taxed with responsibilities. He urged the Council to vote against the ordinance.

Broussard stated the following issues 1) if a building has an existing enclosed area for smokers with a vented exhaust and a sign saying “Smokers Only”, this should be allowed; 2) if a business has an existing designated smoking area 15 feet (instead of 25 feet) from their doorways, this should be allowed; 3) requested that Section 42-2(q) Encouraged Compliance, be placed under Section 42-2(f)(3); and 4) wanted to insure that the smoker would be ticketed and not the establishment owner if caught smoking in an establishment.

Stevenson opined that this ordinance would not solve the problem of cancer. It does very little if it does not take care of the real problem, which is smoking in restaurants. It is the will of the Council to do that but State law prohibits the Council from doing just that. Conque concurred with Stevenson.

A motion was offered by Benjamin, seconded by Mouton to call for the question, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Mouton

NAYS: Broussard, Conque, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion was approved.

The Chair then called for a vote on the original ordinance, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson

NAYS: Broussard, Menard

ABSENT: None

ABSTAIN: None

Motion was approved.

(TAPE 3)(SIDE A)(580) AGENDA ITEM NO. 36: O-180-2005 An ordinance of the Lafayette City-Parish Council amending and reenacting Chapter 6 “Alcoholic Beverages” of the Lafayette City-Parish Consolidated Government Code of Ordinances to establish revised regulations for the sale, handling, and consumption of alcoholic beverages in the City of Lafayette and the unincorporated areas of the Parish of Lafayette, and enacting Article V “Exotic Dancer Registration”, so as to provide regulations relative to exotic dancing and other related matters, motion to table indefinitely by Williams, seconded by Conque.

A motion was offered by Williams, seconded by Conque to defer as amended (*amendment being to delete on Page 13, Section 6-36(a)(1) “bona fide hotels” and to add on Page 14, Section 6-36(a)(b) a new No. 3 to read “3. The prohibitions in the Section do not apply to any premises which are maintained as a bona fide hotel.”*)

Conque then requested that the Chair appoint 3 members of the Council to a group to meet with Marcus Bruno to consider amendments to this ordinance. He, along with Williams and Bourgeois, volunteered to serve on this group.

Broussard offered a substitute motion to table this ordinance indefinitely. The maker and second accepted, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Stevenson, Menard

NAYS: Benjamin

ABSENT: Mouton

ABSTAIN: None

Motion to table indefinitely was approved.

(TAPE 3)(SIDE A)(693) AGENDA ITEM NO. 37: O-181-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Code of Ordinances, Chapter 70, "Peddlers, Solicitors, and Door-to-Door Vendors," Article II. "Peddlers, solicitors and Door-to-Door Vendors," Division 2. "Permits," by adding Section 70-66 authorizing certain vendors to operate in the Municipal Parking Lot located on the corner of Jefferson Street and Garfield Street in the City of Lafayette. *Item died for lack of a motion.*

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 3)(SIDE A)(711) AGENDA ITEM NO. 38: Appointment of Elroy Broussard to the Board of Zoning Adjustment for a five-year term effective June 30, 2005. (Must reside within the corporate limits of the City of Lafayette and must be a minority)

A motion was offered by Williams, seconded by Broussard, to appoint Elroy Broussard to the Board of Zoning Adjustment, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Mouton

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(000) AGENDA ITEM NO. 39: Appointment of Nedra Andrus to the Lafayette Preservation Commission for a four-year term effective July 1, 2005.

A motion was offered by Benjamin, seconded by Williams, to appoint Nedra Andrus to the Lafayette Preservation Commission, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(009) AGENDA ITEM NO. 40: Appointment of Dan Branch to the Lafayette Preservation Commission for a four-year term effective July 1, 2005 (This appointee must be an architect).

A motion was offered by Conque, seconded by Bourgeois, to appoint Dan Branch to the Lafayette Preservation Commission, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

(TAPE 3)(SIDE B)(019) AGENDA ITEM NO. 41: Appointment of _____ to the Atchafalaya Trace Commission for an unexpired term until November 16, 2005. *No resumes were received. This appointment will be readvertised.*

(TAPE 3)(SIDE B)(023) AGENDA ITEM NO. 42: Appointment of Jim Nunn to the Lafayette Airport Commission for an unexpired term until November 4, 2005. (Must reside outside the corporate limits of any municipality in the Parish of Lafayette)

Councilmember Badeaux nominated Dan Clause and Councilmember Mouton nominated Jim Nunn, and the vote was as follows:

CLAUSE: 5, 1, 2

NUNN: 4, 6, 7, 8, 9, 3

Jim Nunn was appointed to the Lafayette Airport Commission.

INTRODUCTORY ORDINANCES

(TAPE 3)(SIDE B)(054) AGENDA ITEM NO. 43 - 50: A motion was offered by Mouton, seconded by Stevenson, to approve the following ordinances for introduction, in-globo, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

43. O-182-2005 An ordinance of the Lafayette City-Parish Council repealing Ordinance Nos. O-229-2001 and O-338-2003 – 3.
44. O-183-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 78, “Streets, Sidewalks and Other Public Places,” Article I, “In General,” to add Section 78-3, which shall be entitled “Obstruction of Sidewalks and Public Rights of Way”.
45. O-184-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 Operating Budget of the Lafayette City-Parish Consolidated Government by authorizing the receipt of Workforce Investment Act (WIA) revenues in the amounts of \$399,783 in the Adult Allocation, \$425,859 in the Youth Allocation, \$351,771 in the Dislocated Worker Allocation, \$45,775 Incentive Grant Funds awarded through Section 503 of the Workforce Investment Act and \$70,000 in Strategies To Empower People (STEP) funding from the Louisiana Department of Labor and appropriating same within the Department of Community Development, Workforce Development Division and the Department of Administrative Services, Workforce Investment Board Division Title I-B

- budgets. (Dee Stanley & Administrative Services/Community Development)
46. O-185-2005 An ordinance of the Lafayette City-Parish Council amending Section 74-18 of the Lafayette City-Parish Consolidated Government Code of Ordinances to provide for the publication of notice to an unknown or absentee owner prior to the conduct of work on property by the Department of Public Works.
47. O-186-2005 An ordinance of the Lafayette City-Parish Council amending Section 97-30 of the Lafayette City-Parish Consolidated Government Code of Ordinances to provide for the publication of notice to an unknown or absentee owner prior to the conduct of work on property by the Department of Public Works.
48. O-187-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$14,000 from Reserve to Contract Services-Abandoned Railroad Abatement within the Department of Public Works for additional funding needed. (District 3)
49. O-188-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by amending the manning tables of the Traffic and Transportation Department, Traffic Engineering Division, to reclassify an Engineer III position to Engineer II.
50. O-189-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement and the granting of a utility easement on Lot 136 of Magnolia Park Subdivision, having a municipal address of 3601 Johnston Street.

(TAPE 3)(SIDE B)(101) AGENDA ITEM NO. 51: 51. Comments from the public concerning the above Introductory Ordinances. *No comments were made.*

ADJOURN

(TAPE 3)(SIDE B)(141) There being no further business to come before the Council, Chair Menard declared the Regular Council meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL